

CCA Official Filing
7/8/2005 4:04 PM*****

4:04 PM*****

ORIGINAL

Timolyn Henry*****1

Timolyn Henry

From: Ann Bassett [abassett@lawfla.com]
Sent: Friday, July 08, 2005 4:04 PM
To: Filings@psc.state.fl.us
Subject: Docket 041144-TP

Attachments: 2005-07-08, Motion to Compel Sprint's Responses.pdf



2005-07-08,
tion to Compel :

The person responsible for this electronic filing is:

Floyd R. Self
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720
fself@lawfla.com

The Docket No. is 041144-TP - Sprint Complaint Against KMC

This is being filed on behalf of KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data LLC

Total Number of Pages is 40

KMC's Motion to Compel Responseto Fourth Set of Interrogatories and Fifth Production of Documents Requests

Ann Bassett
Messer, Caparello & Self, P.A.
Phone: 850-201-5225
abassett@lawfla.com

- CMP _____
- CDM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SDR _____
- SEC 1
- OTH _____

ORIGINAL

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

July 8, 2005

BY ELECTRONIC MAIL

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

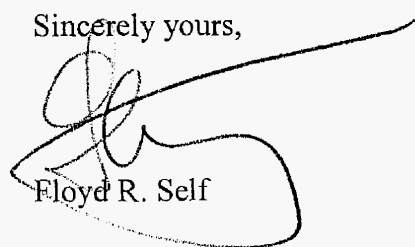
Re: Docket No. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC is an original and fifteen copies of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's Motion to Compel Responses to Fourth Set of Interrogatories and Fifth Production of Documents Requests in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record

CERTIFICATE OF SERVICE

DOCUMENT NUMBER-DAT

06462 JUL-8 05

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated)	Docket No. 041144-TP
Against KMC Telecom III LLC,)	
KMC Telecom V, Inc. and KMC Data LLC,)	
for failure to pay intrastate access charges)	
pursuant to its interconnection agreement and)	
Sprint's tariffs and for violation of)	
Section 364.16(3)(a), Florida Statutes.)	
_____)	

**KMC TELECOM III LLC, KMC TELECOM V, INC.
AND KMC DATA LLC'S MOTION TO COMPEL RESPONSES TO FOURTH SET OF
INTERROGATORIES AND FIFTH PRODUCTION OF DOCUMENTS REQUESTS**

Pursuant to Rules 28-106.204 and 28-106.206 of the Florida Administrative Code and Florida Rule of Civil Procedure 1.380, KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively, "KMC"), by and through their undersigned counsel, hereby file this motion seeking an order from the Florida Public Service Commission ("Commission") compelling Sprint-Florida Incorporated ("Sprint-FL") to comply with the applicable discovery rules and obligations and respond completely and meaningfully to KMC's Fourth Set of Interrogatories and Fifth Production of Documents Requests (attached hereto as Exhibit 1). As detailed herein, Sprint-FL has improperly invoked privilege and provided insufficient and incomplete responses.

BACKGROUND

1. This action was commenced on September 24, 2004, upon the filing of a Complaint by Sprint-Florida, Inc. ("Sprint-FL") alleging that KMC intentionally and knowingly changed interexchange charge party numbers as part of a scheme to misroute interexchange telephone traffic to Sprint-FL as local traffic, in order to avoid and underpay access charges due to Sprint-FL.

DOCUMENT NUMBER-DATE
06462 JUL-8 08
FPSC-COMMISSION CLERK

2. On June 15, 2005, KMC served its Fourth Set of Interrogatories (Nos. 83-90) and Fifth Request for Production of Documents (Nos. 74-81) (“Discovery Request”). Sprint-FL served its responses on July 5, 2005, and in its responses it improperly invokes privilege and provides evasive and insufficient responses (attached hereto as Exhibit 2). In response, KMC was forced to file the instant motion in order to obtain the information requested and to which it is entitled.

ARGUMENT

3. **Interrogatory 83:** In the rebuttal testimony of James Burt, (page 18), Mr. Burt refers to and attaches as Exhibit 2 to his testimony “sample calls” for which Sprint-FL provides customer billing and SS7 information. With respect to those “sample calls” and the information provided for those call, please answer the following:
 - (a) Why were these six calls selected to investigate and provide to the Commission and KMC during this proceeding?
 - (b) To the extent not explained in response to (a), how did Sprint-FL select these six calls to investigate and provide to the Commission and KMC?
 - (c) What steps did Sprint-FL take in order to obtain the call information and data for the six sample calls, including, but not limited to, entities contacted, software or technology used, and all methods used to obtain, pull and sort any information provided?
 - (d) Was any information concerning the six sample calls obtained during this investigation and analysis process but not provided in the attachments to Mr. Burt’s testimony? If so please identify and describe this information and documentation.
 - (e) Did Sprint-FL investigate or attempt to investigate any individual calls other than the six calls provided with Mr. Burt’s testimony? If the answer is yes, please identify every other call that was investigated in the same manner as the six sample calls and identify all documentation related to such investigation. Explain why the information regarding these phone calls was not included in the exhibits and what information was obtained regarding the phone calls not included in the exhibits.
 - (d) On what facts does Sprint-FL base its conclusion that the traffic involved in the six sample calls is POTS telephony? Please explain in detail the alleged facts on which this conclusion is based and why the calls could not be IP telephony.
4. **Production of Documents Request 74** requests copies of all the documents identified by Sprint-FL in its response or otherwise related to its response to Interrogatory 83.
5. KMC seeks information regarding Sprint-FL’s process for making sample calls to which Sprint-FL refers to in Mr. Burt’s pre-filed testimony, as well as several discovery responses.

KMC is particularly interested in the existence and results involving other sample calls made or attempted. This information is requested to counter Sprint-FL's insinuation that the sample calls Sprint-FL has deemed fit to mention are representative of the millions of calls at issue in this case.

6. In response to this Interrogatory and Production of Documents Request, Sprint-FL objected on the grounds that (1) the interrogatory requested materials prepared specifically for trial and the mental impressions, conclusions, opinions and legal theories of Sprint-FL's counsel concerning this litigation and (2) that the requested information related to information gathered in researching and preparing Sprint-FL's pre-filed testimony and testimony exhibits in this litigation. Exh.2.
7. KMC can only assume that this is Sprint-FL's oblique invocation of the attorney-client privilege and work product doctrine. If this is indeed the basis for Sprint-FL's claim, it is wholly without merit and provides no valid grounds for refusing to provide the requested information, which is clearly relevant to several issues in this case.
8. This Interrogatory requests two types of information. It requests additional details about the actual exhibits provided, such as how it was obtained and further explanation as to the basis for Sprint-FL's claims as to what these exhibits prove. It also requests information regarding possible data discovered as part of the same search or process but not provided as an exhibit or revealed to the Commission or KMC, information and data which would directly affect the proper interpretation of the six sample calls provided.
9. Sprint-FL's claim of privilege with respect to questions regarding exhibits provided is nothing short of outrageous. Sprint-FL has offered certain sample phone calls as alleged proof that POTS telephony is being routed over the local interconnection trunks at issue.

Sprint-FL, however, is now refusing to provide any explanation as to how it obtained the records for these phone calls or why it believes the calls to be POTS telephony. Sprint-FL is also depriving the Commission and KMC of information regarding other calls made, attempted, or investigated which Sprint-FL declined to put into the record. Since these calls are not repeatable, and Customer X is no longer an end user of KMC, KMC has no other way to obtain comparable information than to get it from Sprint-FL.

10. Sprint-FL cannot have its cake and eat it too. If any privilege ever existed as to the requested information Sprint-FL has proffered, something which KMC does not concede, it has been completely waived by the provision of the records for the six sample calls Sprint-FL submitted as evidence.¹ Sprint-FL must provide the requested information. *See Morgan v. State*, 639 So.2d 6, 10 (Fl. 1994) (the privilege covering information given to an expert is waived once the expert is called to the stand); *United States v. Bilzerian*, 926 F.2f 1285, 1292 (2nd Cir. 1991) (“the attorney-client privilege cannot at once be used as a shield and a sword”).
11. Sprint-FL’s claim of privilege with respect to any calls researched, used, or discovered during Sprint-FL’s process for obtaining the call information for the provided six sample phone calls is similarly without merit. Any privilege that may have existed with respect to Sprint-FL’s obtaining these calls records was unequivocally waived when they proffered the call records as exhibits and evidence.
12. Sprint-FL’s attempts to circumvent the rules of discovery and proffer evidence which they refuse to explain should not be countenanced by the Commission.

¹ Sprint-FL has not updated its privilege log to reflect any responsive but allegedly privileged documents, putting into question the veracity of its claims of privilege.

13. In the alternative, if Sprint-FL is not ordered to provide the information in question, then the descriptions and documents regarding the sample calls should be stricken from the record.
14. **Interrogatory 87:** (a) From August 2003 until the present, has Sprint-FL performed any trend analysis of the volume and/or nature of the traffic being terminated to Sprint-FL in any Florida markets, including but not limited to Ft. Myers and Tallahassee from any carriers or IXCs?
(b) If the answer to (a) is yes, please identify the carrier(s) or IXC(s) analyzed, the market(s), and Sprint-FL's findings.
(c) If the answer to (a) is yes, please describe in detail the methods, data, and software used for the analysis.
(d) If the answer to (a) is yes, please identify any reports or studies produced as a result of such analyses and the workpapers and other supporting documentation.
15. **Production of Documents Request 78** requests all documents identified or otherwise relied on by Sprint-FL in its response to Interrogatory 87.
16. In response to Interrogatory 87(a) and (c), Sprint-FL states that it has indeed conducted trend analyses on traffic being terminated to Sprint from various IXCs and CLECs. Sprint-FL objects to 87(b) on the grounds that it requests confidential customer information. In response to 87(d), Sprint-FL states that there are no responsive documents that were not provided in its Complaint in this proceeding. Its response to Production of Documents Request 78 is to state that there are no responsive documents.
17. Sprint-FL's contradictory answer to these discovery requests does not pass muster. Sprint-FL has admitted that it has conducted trend analyses on traffic from "various IXCs and CLECs." Sprint-FL does not invoke any form of privilege in response to Interrogatory 87(b) and (d) and, therefore, must provide those trend analyses that it has stated exist and identify the carriers involved, which, of course, will be subject to the confidentiality order in this case. Nothing has prevented Sprint-FL, when it suits Sprint-FL's own taste, from

introducing into the record in this case the confidential information of numerous end users, for example, the call details records, and the sample phone calls described earlier.

18. Further, Sprint-FL should be required to provide complete responses to Interrogatory 87(c), which asks for “the methods, data, and software” used in the trending analysis. While Sprint-FL alludes to certain “tools” in its response (cross-referencing its response to Interrogatory 87(a)) it does not describe the manner in which they were used or the data to which they were applied. In short, Sprint-FL’s response is totally inadequate.
19. **Interrogatory 90:** In response to KMC’s Interrogatory 68, Sprint-FL stated that Sprint Communications Company, L.P. “was not identified as a PICd carrier on an originating leg of a call that had a terminating leg with a charge party number that masked the true jurisdiction of the call sent down the KMC local only interconnection trunks.”
 - (a) With respect to this statement and Sprint-FL’s response to Interrogatory 68 in general, please explain in detail the process that Sprint-FL undertook to determine whether Sprint’s interexchange affiliate was involved in *any* of the traffic at issue in this litigation, including the nature of the traffic examined, the form of the data and call information, the process used to sort and evaluate the traffic, and the basis for the conclusion that Sprint’s interexchange affiliate did not precede KMC in the call path of any of the traffic at issue
 - (b) To the extent not addressed in (a), did Sprint-FL include any traffic as the basis for its claims in this case that originated with an end user that was not a Sprint local exchange affiliate end user customer who accessed Sprint’s interexchange affiliate as its PIC’d long distance carrier or otherwise accessed (e.g. dial-around access) Sprint’s affiliate IXC to make any of the calls in question? If Sprint can state that it did not, please explain how Sprint reached and confirmed this conclusion?
20. In response to this Interrogatory, Sprint-FL referred to its response to Interrogatory 11(d) and stated baldly that it did not identify Sprint’s interexchange affiliate as a PIC in any of the *correlated call records* regardless of whether or not the originating caller was a Sprint-FL customer.
21. Sprint-FL’s response is incomplete and only selectively responds to a portion of the questions asked, rather than the entire interrogatory. Interrogatory 90 is not limited to *correlated call records*. Nonetheless, Sprint-FL chose to limit its response to both (a) and (b) to *correlated call records* alone. The Agilent Study (page 8 of Exhibit WLW-2 to Mr.

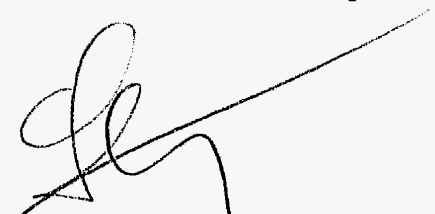
Wiley's pre-filed direct testimony) makes clear that correlated call detail records constitute only about 2.5% of the calls in question. Thus, Sprint-FL has failed to respond to this interrogatory for *over 97% of the traffic at issue in this case*. If Sprint-FL does not have information regarding whether its IXC affiliate carried any portion of the 97% of the calls in question that are *not* correlated call records, it should be required to so state. Nowhere does Sprint-FL identify or describe the process that it used in order to make its determination with respect to its interexchange affiliate nor does Sprint-FL explain how it reached its conclusions with respect to the originating end user whether they were a Sprint local exchange customer.

22. Sprint-FL is not permitted to pick and choose the questions, or portions thereof, to which it responds as noted in the most recent order on KMC's Second Motion to Compel. July 6, 2005 Order at 8. As a result, KMC requests that this Commission order Sprint-FL to fully respond to all parts of its properly promulgated discovery regarding all of the traffic at issue, not just 2.5% at Sprint-FL's discretion.

Conclusion

23. For the foregoing reasons, the Commission should grant KMC's Motion to Compel.

Respectfully submitted this 7th day of July 2005.



Floyd Self, Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720

Edward A. Yorkgitis, Jr., Esq.
Barbara A. Miller, Esq.
Kelley Drye & Warren LLP
1200 19th Street, N.W.

Washington, DC 20036

Attorneys for KMC Telecom III LLC, KMC
Telecom V, Inc., and KMC Data LLC

EXHIBIT 1

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

June 15, 2005

BY ELECTRONIC FILING

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC ("KMC") is an electronic version of KMC's Notice of Serving their Fourth Set of Interrogatories (Nos. 83-90) and Fifth Request for Production of Documents (Nos. 74-81) on Sprint-Florida, Incorporated in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,


for Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record


BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint against KMC Telecom III LLC,)
KMC Telecom V, Inc., and KMC Data LLC)
for alleged failure to pay intrastate access charges) Docket No. 041144-TP
pursuant to its interconnection agreement and) Filed: June 15, 2005
Sprint's tariffs and for alleged violation of Section)
364.16(3)(a), F.S., by Sprint-Florida, Incorporated)
)

**NOTICE OF SERVING KMC TELECOM III LLC, KMC TELECOM V, INC.,
AND KMC DATA LLC'S FOURTH SET OF INTERROGATORIES (NOS. 83-90)
AND FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 74- 81) ON
SPRINT-FLORIDA, INCORPORATED**

KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively "KMC"),
by and through its undersigned counsel, hereby files and serves Notice that it has served its Fourth
Set of Interrogatories (Nos. 83-90) and Fifth Request for Production of Documents (Nos. 74- 81) on
Sprint-Florida, Incorporated by e-mail on Susan S. Masterton, Esq. at
susan.masterton@mail.sprint.com and U. S. Mail on Susan Masterton, Esq., Sprint-Florida
Incorporated, P.O. Box 2214, Tallahassee, FL 32316-2214 on this 15th day of June, 2005.

Respectfully submitted,


Floyd R. Self, Esq.
MESSER, CAPARELLO & SELF, P.A.
215 South Monroe Street, Suite 701
Tallahassee, Florida 32301
(850) 222-0720 (voice)
(850) 224-4359 (facsimile)
fself@lawfla.com

Edward A. Yorkgitis, Jr.
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W., Fifth Floor
Washington, D.C. 20036
(202) 955-9600 (voice)
(202) 955-9792 (facsimile)
eyorkgitis@kelleydrye.com

Attorneys for KMC Telecom III, LLC,
KMC Telecom V, Inc., and KMC Data LLC

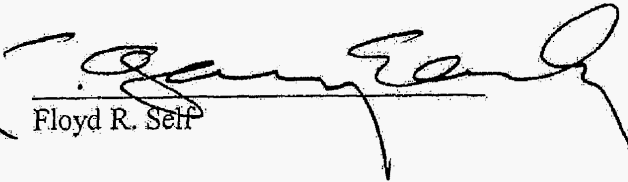
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by electronic mail this 15th day of June, 2005.

Beth Keating, Esq.
General Counsel's Office, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Ms. Nancy Pruitt
Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Susan Masterton, Esq.
Sprint-Florida, Incorporated
1313 Blairstone Road
Tallahassee, FL 32301


Floyd R. Self

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated) Docket No. 041144-TP
Against KMC Telecom III LLC,)
KMC Telecom V, Inc. and KMC Data LLC,)
for failure to pay intrastate access charges)
pursuant to its interconnection agreement and)
Sprint's tariffs and for violation of)
Section 364.16(3)(a), Florida Statutes.)
_____)

**KMC TELECOM III LLC, KMC TELECOM V, INC., AND KMC DATA LLC'S
FOURTH SET OF INTERROGATORIES (NOS. 83-90) AND FIFTH REQUEST FOR
PRODUCTION OF DOCUMENTS (NOS. 74-81)
TO SPRINT-FLORIDA, INCORPORATED**

KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively "KMC") pursuant to Rule 28-106.206, Florida Administrative Code, Rules 1.340 and 1.350, Florida Rules of Civil Procedure, hereby serve upon Sprint-Florida, Incorporated ("Sprint") the following Fourth Set of Interrogatories (Interrogatory Numbers 83-90) and Fifth Request for Production of Documents (Numbers 74-81).

DEFINITIONS AND INSTRUCTIONS

1. "Affiliated" means controlled, controlled by, or common control with, where control is actual working control or direct or indirect ownership of 10% or more.
2. "Carrier" means a telecommunications carrier, including a CLEC, an ILEC (defined below), an interexchange carrier, and a wireless carrier.
3. "CLEC" refers to any competitive local exchange carrier.
4. "Commission" means the Florida Public Service Commission.
5. "Communication" includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel

discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.

6. "Cost study" or "cost studies" means the detailed development of a rate element or of rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the derivations of the inputs, that enables a person using the study or studies to start with the support for each input and to then trace the support to the input, and to then be able to trace the input through the methodology to the resulting cost and then to the resulting rate element. "Cost study" and "cost studies" does not refer to an embedded cost study.

7. "The terms "document" and "documentation" shall have the same meaning and scope as contained in the Florida Rules of Civil Procedure, and shall include, without limitation, all written, reported, recorded, magnetic, graphic, photographic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of your company and its affiliates including, but not limited to, all reports, memoranda, notes (including reports, memoranda, notes of telephone, email or oral conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, electronic mail (e-mail), studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, arithmetical computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, recordings, video or audio tapes, punch cards, magnetic tapes,

discs, data cells, drums, printouts, records of any sort of meeting, invoices, diaries, and other data compilations from which information can be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writings have been made which do not appear on the originals.

8. "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (*e.g.*, a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communications, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

9. The terms "ILEC" and "incumbent LEC" refer to incumbent local exchange carrier, and include each ILEC's parent or any subsidiary or affiliate, as well as all current or former officers, directors, employees, agents, representatives, contractors or consultants of ILEC and any persons or other entities who have acted or purported to act on its behalf. The terms "ILEC" and "incumbent LEC" include independent LECs.

10. "ISP" means Internet service provider.

11. "ISP-bound traffic" means traffic destined to ISPs.

12. "KMC" means KMC Telecom V, Inc., KMC Telecom III LLC, KMC Data LLC, or, collectively, more than one of the foregoing entities.

13. The term "LATA" means "Local Access and Transport Area" as that term is defined in the *Modification of Final Judgment, United States v. Western Elec. Co.*, 552F. Supp. 131 (D. D.C. 1982), *aff'd sub nom., Maryland v. United States*, 460 U.S. 1001 (1983).

14. "LEC" means a local exchange carrier, and includes, but is not limited to, CLECs and ILECs.

15. "Loop" is as defined or used in the *Triennial Review Order*.

16. "POI" means point of interconnection.

17. "Persons" mean the plural as well as the singular and includes any natural person, any firm, corporation, association, partnership, or other organization or form of legal entity.

18. "Similar" is intended to be as comprehensive as possible.

19. "Sprint" collectively refers to the Sprint Corporation, Sprint Communications, L.P., parent company/companies, and all subsidiaries, operating entities, affiliates, holding companies and operating companies, including but not limited to, Sprint-Florida, Incorporated. "Sprint" also refers to its witnesses who prepared and filed pre-filed testimony in the above-captioned proceeding.

20. "Sprint-FL" collectively refers to Sprint Corporation, Sprint Communications, L.P., parent company/companies, subsidiaries, operating entities, affiliates, holding companies and operating companies that are directly or indirectly involved in this proceeding. Sprint-FL specifically includes, but is not limited to, Sprint-Florida, Incorporated.

21. "Sprint IXC" collectively refers to Sprint Corporation, Sprint Communications, L.P., parent company/companies, subsidiaries, operating entities, affiliates, holding companies and operating companies that are directly or indirectly involved in the provision of interexchange communications.

22. "Transport" is as defined or used in the *Triennial Review Order*.

23. "Triennial Review Order" refers to the FCC's decision in *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338 et al., FCC 03-36, 18 FCC Rcd 16978 (Aug. 21, 2003); *Errata, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338 et al., FCC 03-227, 18 FCC Rcd. 19020 (Sep. 17, 2003).

24. The terms "you," "your," "yours" or "your company" means the carrier/business entity receiving these requests, and includes but is not limited to its affiliates, subsidiaries, officers, agents, attorneys, employees, representatives and consultants.

25. "VoIP service" means any service using any technology for transmitting voice over packet-switched data networks, including but not limited to transmission over networks using Internet protocol; "VoIP calls" means calls utilizing VoIP service.

INSTRUCTIONS

1. Please answer each question separately and in the order that it is asked. The number of the answers should correspond to the number of the request being answered. Following each answer, please identify the person or persons responsible for the answer and indicate what person or witness provided responsive information or documents, and where applicable, what witness will sponsor each answer in testimony. If at the time that responses to these requests are due, it has not been determined whether a witness will be testifying on behalf

of Sprint who can answer questions relating to the responses, then for each response provide the name of the Sprint representative most knowledgeable regarding the subject area of and information in the response.

2. In response to the data requests seeking the production of documents, please produce all responsive documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If the requested documents are kept in an electronic format, you shall produce the requested documents in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification, or addition to a document (whether in paper form or electronic), including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts, revisions or redlines, each such alternation, modification or addition is to be considered a separate and distinct document, and must be produced.

3. In response to data requests requesting you to identify documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail so that they can be produced. Such identification shall contain the number (and subpart, if applicable) of the request requesting the identification and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any "Bates" or other sequential production numbering for the document or item. When responding to the data requests, please produce copies of all documents, other items, information or materials that were identified in response to a request or directive to "identify for disclosure" in the requests. For each document

or other item, please identify by number (including subpart, if any) the request which caused the "identification for disclosure."

4. Please produce the requested information at the most granular level you possess. If a data request seeks information at a level more granular than what you possess, state that you do not possess information at that level and produce the information requested at the most granular level that you possess. KMC is not asking for the creation of brand new data, but is seeking all available data for the specific categories and sub-categories described.

5. When cost studies are requested, please include:

- a. both the monthly recurring and the non-recurring costs to provide the service or element in question;
- b. all work papers used or referenced in the determination of the cost and any other "back-up" documentation (e.g., algorithms and assumptions) that reflects how the costs were determined;
- c. copies of all models used to develop the cost studies; in this regard, please provide a complete copy of each of the models in its entirety on DOS or Windows based 3 ½ inch disks or CD ROM in an executable format. Please indicate the hardware and software required to run the models. Please also include all user and training manuals and guides, descriptions of the models, and documentation algorithms, assumptions, etc.

6. These requests are directed to all documents and information in your custody or control. A document is deemed to be in your custody or control if you have possession of the document, have the right to secure such document or communication from

another person having possession thereof, or the document or communication is reasonably available to you (including those documents or communications in the custody or control of your company's present employees, attorneys, agents, or other persons acting on its behalf and its affiliates. In response to requests for production of documents contained in these data requests, you shall produce the document, including all appendices, exhibits, schedules, and attachments, that is most relevant to the request.

7. If you are unable to produce a document or information based on a claim that the document is not in your custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control. If you are unable to produce a document or information in response to any request, so state, and indicate whether the document ever existed, or whether the document once existed but cannot be located. To the extent any documents are lost or destroyed, produce any documents which support your assertion that the document was lost or destroyed, and provide the date thereof.

8. If you are unable to respond fully and completely to a document request, you shall explain the reasons why you are unable to do so. The terms defined below and the individual requests for information should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with all applicable rules, including without limitation the Procedural Rules of the Florida Public Service Commission.

9. These data requests are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied by your company, then in such case, you should change or modify such answer and submit such changes answer as a

supplement to the original answer. Further, should a subsequent version(s) of a document have been created or exist as of the date of this request, such version(s) must be produced. Where prior versions or drafts of documents exist, please produce all such documents in your possession, custody or control.

10. KMC requests that you answer these requests under oath or stipulate in writing that your responses can be treated exactly as if they were filed under oath.

11. As used in these requests, the singular shall also be treated as plural and vice-versa.

12. If you claim a privilege, or otherwise decline to produce or provide, any document or information responsive to one or more of the following categories, in addition to, and not in lieu of, any procedure that you must follow under law to preserve your objection(s) and/or privilege(s), within ten (10) days after receiving these requests, the attorney asserting the privilege shall:

a. identify in the objection to the request for information, or sub-part thereof, detailed reasons for your claim of privilege or other basis for protecting the document or information from disclosure; and the nature of the privilege (including work product) that is being claimed; and

b. provide the following information in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

(i) for documents: (1) the type of document; (2) subject matter of the document; (3) the date of the document; (4) the number of pages in the document; (5) the location or

custodian of the document; (6) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where available, the name(s), address(es) and telephone number of the author(s) of the document and all recipient(s), and, where not apparent, the relationship of the author and addressee to each other;

- (ii) for oral communications: (1) the name(s), address(es) and phone number(s) of the person making the communication and the name(s), address(es) and phone number(s) of the persons present while the communication was made; (2) the relationship of the person(s) present to the person(s) making the communication; (3) the date and place of each communication; (4) the general subject matter of the communication.

13. In the event that any requested information is considered by you to be confidential, the attorney asserting such confidential status shall inform counsel for KMC identified below of this designation as soon as he or she becomes aware of it, but in any event, prior to the time the responses to the requests are due to discuss or negotiate a compromise. The confidential documents, however, should be produced pursuant to the protective order(s) and/or non-disclosure agreement(s) executed in this proceeding.

14. If you file a timely objection to any portion of a request, definition, or instruction, provide a response to the remaining portion.

15. Answers to these data requests are to be provided by the date set forth in the Commission's *Order Establishing Procedure*, issued June 1, 2003, in this proceeding.

Service of responses, objections, and all notifications, shall be made in person, by facsimile or email to:

Floyd R. Self, Esq.
MESSER, CAPARELLO & SELF, P.A.
215 South Monroe Street, Suite 701
Tallahassee, Florida 32301
(850) 222-0720 (voice)
(850) 224-4359 (facsimile)
fself@lawfla.com

and

Edward A. Yorkgitis, Jr.
Barbara A. Miller
KELLEY DRYE & WARREN LLP
1200 19th Street, NW, Fifth Floor
Washington, DC 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)
eyorkgitis@kelleydrye.com
bmiller@kelleydrye.com

INTERROGATORIES

- Interrogatory 83:** In the rebuttal testimony of James Burt, (page 18), Mr. Burt refers to and attaches as Exhibit 2 to his testimony “sample calls” for which Sprint-FL provides customer billing and SS7 information. With respect to those “sample calls” and the information provided for those call, please answer the following:
- (a) Why were these six calls selected to investigate and provide to the Commission and KMC during this proceeding?
 - (b)
 - (b) To the extent not explained in response to (a), how did Sprint-FL select these six calls to investigate and provide to the Commission and KMC?
 - (c) What steps did Sprint-FL take in order to obtain the call information and data for the six sample calls, including, but not limited to, entities contacted, software or technology used, and all methods used to obtain, pull and sort any information provided?
 - (d) Was any information or documentation concerning the six sample calls obtained during this investigation and analysis process but not provided in the attachments to Mr. Burt’s testimony? If so please identify and describe this information and documentation.
 - (e) Did Sprint-FL investigate or attempt to investigate any individual calls other than the six calls provided with Mr. Burt’s testimony? If the answer is yes, please identify every other call that was investigated in the same manner as the six sample calls and identify all documentation related to such investigation. Explain why the information regarding these phone calls was not included in the exhibits and what information was obtained regarding the phone calls not included in the exhibits.

(d) On what facts does Sprint-FL base its conclusion that the traffic involved in the six sample calls is POTS telephony? Please explain in detail the alleged facts on which this conclusion is based and why the calls could not be IP telephony.

Response:

Interrogatory 84:

(a) Does Sprint-FL use SS7 data in the normal course of billing its other locally interconnected carriers? If the answer is "yes," please explain whether the same types of SS7 data are used for such billing in the normal course as the data that were used in the Agilent studies described in Sprint's testimony upon which Sprint's claims in this case are based. If there are any differences in the SS7 data used in the two scenarios, or how the data was used, please describe those differences in detail.

(b) If the answer to subsection (a) is no, please describe in detail the information, data, and software used during the normal course of billing and how it is sorted and utilized in the billing process. State whether this is the same as the information, data, and software that were used in the Agilent studies.

(c) If the answer to subsection (a) is no, please explain why SS7 information, data, and software are not used in the normal course of billing.

(d) If the answer to subsection (a) is no, please explain in detail the differences between the information obtained through the use of SS7 data and the data and software used during the normal course of billing and why Sprint-FL is not using that data and software in this litigation.

(e) If the answer to (a) is no, did Sprint-FL ever compare or correlate the information utilized in the normal course of billing with the SS7 data used to calculate the claimed damages in this action? If so please describe the process and results of this comparison and/or correlation.

Response:

Interrogatory 85:

(a) Has Sprint-FL provided any raw SS7 data to KMC in response to any of its discovery requests?

(b) If the answer to (a) is yes, please specify with particularity which responses or parts thereof included raw SS7 data and what those raw data were.

(c) For any SS7 data provided in discovery that were not provided as raw data, please identify with particularity the data provided (including specifying to which responses or parts of discovery requests the data were provided in response) and, for each category of data, describe any translations, modifications, or interpretations of the data performed by Sprint..

Response:

Interrogatory 86: What information and data did Sprint-FL utilize to calculate the charges presented to KMC in the February 2004 letter demanding payment for access charges allegedly owed? If Sprint-FL did not use SS7 data to calculate the referenced charges, please describe the source and nature of the data and information used.

Response:

Interrogatory 87:

- (a) From August 2003 until the present, has Sprint-FL performed any trend analyses of the volume and/or nature of the traffic being terminated to Sprint-FL in any Florida markets, including but not limited to Ft. Myers and Tallahassee) from any carriers or IXCs?
- (b) If the answer to (a) is yes, please identify the carrier(s) or IXC(s) analyzed, the market(s), and Sprint-FL's findings.
- (c) If the answer to (a) is yes, please describe in detail the methods, data, and software used for the analysis.
- (d) If the answer to (a) is yes, please identify any reports or studies produced as a result of such analyses and the workpapers and other supporting documentation.

Response"

Interrogatory 88:

- (a) Please identify each carrier with whom Sprint-FL has had Feature Group D trunks in Tallahassee and Fort Myers at any time from the second calendar quarter 2002 through the present, identifying the time period in which each carrier had such trunks in each of the two markets.
- (b) For each carrier identified in (a), please identify the number of trunks separately for each of the two markets and the volume of traffic associated with each trunk for each calendar quarter beginning with second quarter 2002.

Response:

Interrogatory 89:

- (a) When calculating the MOUs of traffic terminated to Sprint-FL by KMC for the purposes of determining alleged access charges owed, what steps did Sprint-FL take to eliminate calls that were not completed from its calculation of MOUs?
- (b) When calculating the MOUs of traffic terminated to Sprint-FL by KMC for the purposes of determining alleged access charges owed, did Sprint-FL take any steps to classify the nature of the calls included (including, but not limited, to call forwarded calls, foreign exchange calls, etc.)? If so, please describe those steps in detail.

Response:

Interrogatory 90: In response to KMC's Interrogatory 68, Sprint-FL stated that Sprint Communications Company, L.P. "was not identified as a PICd carrier on an originating leg of a call that had a terminating leg with a charge party number that masked the true jurisdiction of the call sent down the KMC local only interconnection trunks."

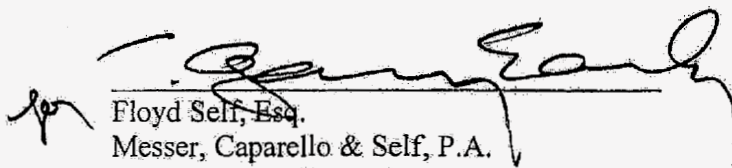
- (a) With respect to this statement and Sprint-FL's response to Interrogatory 68 in general, please explain in detail the process that Sprint-FL undertook to determine whether Sprint's interexchange affiliate was involved in *any* of the traffic at issue in this litigation, including the nature of the traffic examined, the form of the data and call information, the process used to sort and evaluate the traffic, and the basis for the conclusion that Sprint's interexchange affiliate did not precede KMC in the call path of any of the traffic at issue.
- (b) To the extent not addressed in (a), did Sprint-FL include any traffic as the basis for its claim in this case that originated with an end user that was not a Sprint local exchange affiliate end user customer who accessed Sprint's interexchange affiliate as its PIC'd long distance carrier or otherwise accessed (e.g., dial-around access) Sprint's affiliate IXC to make any of the calls in question? If Sprint can state that it did not, please explain how Sprint reached and confirmed this conclusion?

Response:

PRODUCTION OF DOCUMENT REQUESTS

- 74) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 83.
- 75) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 84.
- 76) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 85.
- 77) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 86.
- 78) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 87.
- 79) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 88.
- 80) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 89.
- 81) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 90.

Respectfully submitted this 15th day of June 2005.



Floyd Self, Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720

Edward A. Yorkgitis, Jr., Esq.
Barbara A. Miller, Esq.
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Washington, DC 20036

Attorneys for KMC Telecom III, LLC,
KMC Telecom V, Inc., and KMC Data LLC

EXHIBIT 2

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint-Florida, Incorporated) Docket No. 041144-TP
Against KMC Telecom III LLC,)
KMC Telecom V, Inc. and KMC Data LLC,)
for failure to pay intrastate access charges)
pursuant to its interconnection agreement and)
Sprint's tariffs and for violation of)
Section 364.16(3)(a), Florida Statutes.)
_____)

SPRINT'S RESPONSES TO KMC'S FOURTH SET OF INTERROGATORIES (NOS. 83-90) AND FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 74-81)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340, 1.350, and 1.280(b), Florida Rules of Civil Procedure, by and through undersigned counsel, Sprint-Florida, Incorporated (hereinafter "Sprint") hereby submits the following Responses to KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's (collectively KMC) Fourth Set of Interrogatories and Fifth Request for Production of Documents, which were served on Sprint on June 15, 2005.

<u>Interrogatory</u>	<u>Prepared by</u>	<u>Title</u>
84(a), (b), (c), (e)	Ritu Aggarwal	Finance Process Specialist
84(d)	Joan M. Tonkinson	Natl Engineering Standards Mgr IV
	William L. Wiley	Natl Engineering Standards Mgr IV
85	Joan M. Tonkinson	Natl Engineering Standards Mgr IV
	William L. Wiley	Natl Engineering Standards Mgr IV
86	Ritu Aggarwal	Finance Process Specialist
87	Ritu Aggarwal	Finance Process Specialist
89	Ritu Aggarwal	Finance Process Specialist
	Joan M. Tonkinson	Natl Engineering Standards Mgr IV
	William L. Wiley	Natl Engineering Standards Mgr IV
90	Joan M. Tonkinson	Natl Engineering Standards Mgr IV
	William L. Wiley	Natl Engineering Standards Mgr IV

INTERROGATORIES

Interrogatory 83: In the rebuttal testimony of James Burt, (page 18), Mr. Burt refers to and attaches as Exhibit 2 to his testimony "sample calls" for which Sprint-FL provides customer billing and SS7 information. With respect to those "sample calls" and the information provided for those call, please answer the following:

- (a) Why were these six calls selected to investigate and provide to the Commission and KMC during this proceeding?**
- (b) To the extent not explained in response to (a), how did Sprint-FL select these six calls to investigate and provide to the Commission and KMC?**
- (c) What steps did Sprint-FL take in order to obtain the call information and data for the six sample calls, including, but not limited to, entities contacted, software or technology used, and all methods used to obtain, pull and sort any information provided?**
- (d) Was any information or documentation concerning the six sample calls obtained during this investigation and analysis process but not provided in the attachments to Mr. Burt's testimony? If so please identify and describe this information and documentation.**
- (e) Did Sprint-FL investigate or attempt to investigate any individual calls other than the six calls provided with Mr. Burt's testimony? If the answer is yes, please identify every other call that was investigated in the same manner as the six sample calls and identify all documentation related to such investigation. Explain why the information regarding these phone calls was not included in the exhibits and what information was obtained regarding the phone calls not included in the exhibits.**
- (d) On what facts does Sprint-FL base its conclusion that the traffic involved in the six sample calls is POTS telephony? Please explain in detail the alleged facts on which this conclusion is based and why the calls could not be IP telephony.**

Response: Please see Sprint's Objections previously filed on June 27, 2005.

Interrogatory 84: (a) Does Sprint-FL use SS7 data in the normal course of billing its other locally interconnected carriers? If the answer is "yes," please explain whether the same types of SS7 data are used for such billing in the normal course as the data that were used in the Agilent studies described in Sprint's testimony upon which Sprint's claims in this case are based. If there are any differences in the SS7 data used in the two scenarios, or how the data was used, please describe those differences in detail.

- (b) If the answer to subsection (a) is no, please describe in detail the information, data, and software used during the normal course of billing and how it is sorted and utilized in the billing process. State whether this is the same as the information, data, and software that were used in the Agilent studies.**
- (c) If the answer to subsection (a) is no, please explain why SS7 information, data, and software are not used in the normal course of billing.**
- (d) If the answer to subsection (a) is no, please explain in detail the differences between the information obtained through the use of SS7 data and the data and software used**

during the normal course of billing and why Sprint-FL is not using that data and software in this litigation.

(e) If the answer to (a) is no, did Sprint-FL ever compare or correlate the information utilized in the normal course of billing with the SS7 data used to calculate the claimed damages in this action? If so please describe the process and results of this comparison and/or correlation.

Response:

- a) No, Sprint does not use the SS7 data for normal billing but to validate the billed usage from the switch records for billing terminating traffic to all carrier types.

- b) In the normal course of billing for Sprint, AMA records are created from the switch into the front end processing of the Message Processing System (MPS). MPS converts the switch records into an EMR format and determines the jurisdiction and settlement code from tables that are updated from monthly downloads of Telecordia information. Then the records are provided to the Customer Access Support System (CASS) which assigns the CLLI codes and determines the billing account number (BAN) to bill the usage. CASS rates the usage based upon the rate tables populated from the rates in the local interconnection agreements and access tariffs to issue a complete bill to the customer.

- c) Sprint does not use SS7 information, data, and software for billing because Sprint uses switch standard records as defined by Telcordia. The Telcordia standard, Billing Automatic Message Accounting Format (BAF) Generic Requirements #GR-1100-CORE, defines the various record types that may be used for billing purposes and that will be created by the switch for various types of trunk groups and call types. In using the switch standards, Sprint also conforms to OBF (Ordering and Billing Forum) standards, which

utilizes EMR (Exchange Message Record) standard records that are created from the BAF standard records. It is the EMR that is ultimately used for billing purposes.

- d) The SS7 data are signaling information and for which some of the signaled parameters are used by the switch in the AMA (Automatic Message Accounting) record created by the switch. The fields of information populated in the AMA record do vary as compared to the SS7 call detail records and not all SS7 parameters are used in the creation of the switch record. Switch tables, trunk group characteristics, as engineered in the switch, provide the bulk of the information used in the AMA record. However, the charge number, calling party number, and called number are SS7 parameters that are used in the AMA record. As previously stated in Sprint's response to Interrogatory No. 5, if the charge number is signaled in the SS7, this number is used as the originating number in the AMA record. The called number in the SS7 signal is used as the terminating number in the AMA. The switch records use software provided by the switch vendors, either Nortel or Lucent. The switch records are used to bill KMC for the traffic traversing the local interconnection trunk groups. However, because the charge number was inserted into the calls KMC sent to Sprint on the local interconnection trunk groups, the charge number caused the calls to look local although, in actuality, the calls were interstate or intrastate.
- e) Sprint-FL's additional billings are based on a comparison of billed MOU to SS7 MOU. A comparison is made of the total SS7 MOU by jurisdiction as reflected in the SS7 CDR

Summary report for each month to the total billed MOU by jurisdiction. The adjustment is the difference between previously billed MOU and adjusted billed MOU.

Interrogatory 85:

- (a) Has Sprint-FL provided any raw SS7 data to KMC in response to any of its discovery requests?**
- (b) If the answer to (a) is yes, please specify with particularity which responses or parts thereof included raw SS7 data and what those raw data were.**
- (c) For any SS7 data provided in discovery that were not provided as raw data, please identify with particularity the data provided (including specifying to which responses or parts of discovery requests the data were provided in response) and, for each category of data, describe any translations, modifications, or interpretations of the data performed by Sprint.**

Response:

- (a) Yes.

- (b) For purposes of this response, Sprint will define the term "raw" SS7 data as the SS7 call detail record captured by the Agilent system. The raw SS7 call detail records contain each of the signaled parameters, which include the various message types produced through the signaling of a call, i.e., IAM, ACM, ANM, REL, RLC. Based upon the description provided in (a), Sprint responds affirmatively, yes, Sprint has provided KMC raw SS7 data. The raw SS7 call detail records Sprint has provided are the 27 days of call detail records provided in Sprint's response to POD No. 1 and attached as Revised Exhibit WLW-5 to William L. Wiley's Rebuttal Testimony. In addition, Sprint provided KMC with call detail records from September 10, 2004 and also provided KMC with the call detail records used by Agilent to conduct its study of KMC traffic (attached as Exhibit WLW-3 to the Direct Testimony of William L. Wiley and provided in response to KMC's POD No. 18.)

(c) Sprint has not translated, modified, or interpreted, the SS7 data provided in discovery.

Interrogatory 86: What information and data did Sprint-FL utilize to calculate the charges presented to KMC in the February 2004 letter demanding payment for access charges allegedly owed? If Sprint-FL did not use SS7 data to calculate the referenced charges, please describe the source and nature of the data and information used.

Response:

As described in Sprint's detailed responses and supplemental responses to Interrogatory No. 15, Sprint uses the Agilent Business Intelligence system to pull SS7 data to calculate the PLU and PIU factors based on the jurisdiction of the identified interconnection trunks. The SS7 factors are applied to the Billed MOUs to calculate the net access adjustment from the initial bill to KMC.

Interrogatory 87:

(a) From August 2003 until the present, has Sprint-FL performed any trend analyses of the volume and/or nature of the traffic being terminated to Sprint-FL in any Florida markets, including but not limited to Ft. Myers and Tallahassee) from any carriers or IXCs?

(b) If the answer to (a) is yes, please identify the carrier(s) or IXC(s) analyzed, the market(s), and Sprint-FL's findings.

(c) If the answer to (a) is yes, please describe in detail the methods, data, and software used for the analysis.

(d) If the answer to (a) is yes, please identify any reports or studies produced as a result of such analyses and the workpapers and other supporting documentation.

Response:

(a) Sprint performs periodic trend analysis of billed and SS7 usage along with analyzing the jurisdiction of the traffic being terminated to Sprint from various IXCs and CLECs.

Sprint uses the trending information to further investigate specific customer's traffic.

Tools used for reporting and analysis are Excel, Access, CAIMS (which summarizes CASS) and the Agilent acceSS7 Business Intelligence System.

- (b) Sprint objects to this Interrogatory because it requests highly confidential customer information that Sprint is required by law to protect (See, s. 364.24, F.S.) In addition, the information requested concerning Sprint's trend analyses for other CLEC and IXC carriers is not relevant or likely to lead to the discovery of admissible evidence in this proceeding.
- (c) See Sprint's response to Interrogatory No. 87(a).
- (d) There are no specific documents that are responsive to this request other than what has already been provided in the KMC Complaint.

Interrogatory 88:

- (a) Please identify reach carrier with whom Sprint-FL has had Feature Group D trunks in Tallahassee and Fort Myers at any time from the second calendar quarter 2002 through the present, identifying the time period in which each carrier had such trunks in each of the two markets.**
- (b) For each carrier identified in (a), please identify the number of trunks separately for each of the two markets and the volume of traffic associated with each trunk for each calendar quarter beginning with second quarter 2002.**

Response: Please see Sprint's objections previously filed on June 27, 2005.

Interrogatory 89:

- (a) When calculating the MOUs of traffic terminated to Sprint-FL by KMC for the purposes of determining alleged access charges owed, what steps did Sprint-FL take to eliminate calls that were not completed from its calculation of MOUs?**
- (b) When calculating the MOUs of traffic terminated to Sprint-FL by KMC for the purposes of determining alleged access charges owed, did Sprint-FL take any steps to classify the nature of the calls included (including, but not limited, to call forwarded calls, foreign exchange calls, etc.)? If so, please describe those steps in detail.**

Response:

(a) Only completed MOUs are included in the SS7 Summary report used for calculation of access charges owed.

(b) Sprint extracted a sample of the call detail records to analyze the amount of call forwarding included in the Summary report.

Interrogatory 90: In response to KMC's Interrogatory 68, Sprint-FL stated that Sprint Communications Company, L.P. "was not identified as a PICd carrier on an originating leg of a call that had a terminating leg with a charge party number that masked the true jurisdiction of the call sent down the KMC local only interconnection trunks."

(a) With respect to this statement and Sprint-FL's response to Interrogatory 68 in general, please explain in detail the process that Sprint-FL undertook to determine whether Sprint's interexchange affiliate was involved in *any* of the traffic at issue in this litigation, including the nature of the traffic examined, the form of the data and call information, the process used to sort and evaluate the traffic, and the basis for the conclusion that Sprint's interexchange affiliate did not precede KMC in the call path of any of the traffic at issue.

(b) To the extent not addressed in (a), did Sprint-FL include any traffic as the basis for its claim in this case that originated with an end user that was not a Sprint local exchange affiliate end-user customer who accessed Sprint's interexchange affiliate as its PIC'd long distance carrier or otherwise accessed (e.g., dial-around access) Sprint's affiliate IXC to make any of the calls in question? If Sprint can state that it did not, please explain how Sprint reached and confirmed this conclusion?

Response:

(a) See Sprint's response to Interrogatory No., 11(d), and Sprint's Supplemental response to Interrogatory No. 11(d).

(b) Sprint's analysis did not identify Sprint's interexchange affiliate as a PIC in any of the correlated call records regardless of whether or not the originating caller was a Sprint-Fl customer.

PRODUCTION OF DOCUMENT REQUESTS

- 74) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 83.**

Response: Please see Sprint's Objections previously filed on June 27, 2005.

- 75) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 84.**

Response: There are no documents responsive to this request beyond what has already been provided.

- 76) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 85.**

Response: There are no documents responsive to this request beyond what has already been provided.

- 77) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 86.**

Response: There are no documents responsive to this request beyond what has already been provided.

- 78) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 87.**

Response: There are no documents responsive to this request beyond what has already been provided.

- 79) **Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 88.**

Response: Please see Sprint's Objections previously filed on June 27, 2005.

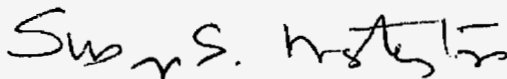
80) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 89.

Response: There are no documents responsive to this request beyond what has already been provided.

81) Please provide copies of all documents identified by you in your response to or otherwise relied on by you or related to your response to Interrogatory No. 90.

Response: There are no documents responsive to this request beyond what has already been provided

DATED this 5th day of July, 2005.



SUSAN S. MASTERTON
P.O. Box 2214
Tallahassee, FL 32316-2214
(850) 599-1560 (phone)
(850) 878-0777 (fax)
susan.masterton@mail.sprint.com

ATTORNEY FOR SPRINT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by electronic mail this 8th day of July, 2005.

Beth Keating, Esq.
General Counsel's Office, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Ms. Nancy Pruitt
Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Susan Masterton, Esq.
Sprint-Florida, Incorporated
1313 Blairstone Road
Tallahassee, FL 32301



Floyd R. Self